

**REMARKS/ARGUMENT**

Claims 1-8 and 11-21 are currently pending.

The Office Action maintained the rejections of the pending claims under 35 U.S.C. § 102 as anticipated by U.S. patent 5,691,254 (“Sakamoto”) and U.S. patent 5,866,239 (“Shimatani”), and/or under 35 U.S.C. § 103 as obvious over Sakamoto or Shimatani in view of Wennemann, Kornbluth, Martin, Krause, Pourney, and/or Mewissen. Central to all of these rejections is the assertion that Sakamoto’s and Shimatani’s glass products inherently possess the L\*, a\*, b\* values required by the claims. In particular, the most recent Office Action asserted that the pending claims do not contain any structure or components that would distinguish the claimed ceramic over the ceramic of the applied art, and that the claimed ceramic would be expected to have a black appearance like Sakamoto’s and Shimatani’s glass products. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of all of these rejections.

Submitted concurrently herewith is a Rule 132 declaration explaining the difference between Sakamoto’s and Shimatani’s black glass products and the claimed ceramics. This declaration demonstrates that the claimed glass-ceramic differs from Sakamoto’s and Shimatani’s glass products, and that the required L\* value between 82 and 87 distinguishes the claimed glass-ceramic product from the applied art.

More specifically, the Rule 132 declaration demonstrates that Sakamoto’s and Shimatani’s black glass products can have different L\* values and, thus, different appearances from the claimed glass-ceramic plates, even assuming they have similar compositions. That is, the Rule 132 declaration demonstrates and explains how Sakamoto

and Shimatani disclose glass-ceramic plates having a black appearance, whereas the claimed glass-ceramic plates have a light appearance.

As explained in the declaration, glass-ceramic products with similar compositions can have different L\* values depending upon the heat treatment to which they are subjected. (Rule 132 declaration, par. 3). Depending upon heat treatment, beta-quartz and/or beta-spodumene phases can develop -- the presence and/or absence of these phases, as well as the relative proportions of these phases, can affect the L\* value and the visual appearance of the glass-ceramic plate. (Rule 132 declaration, par. 3). Thus, the heat treatment to which a glass-ceramic plate has been subjected can affect the presence and/or absence of beta-quartz and/or beta-spodumene phases which, in turn, can affect whether the glass-ceramic plates have a transparent, hazy (i.e., milky) or opaque appearance. (Rule 132 declaration, par. 3). When adding a colorant to a transparent glass-ceramic composition, one can obtain a black material -- its optical transmittance in the visible range can be adjusted with colorant concentration in the glass-ceramic composition. (Rule 132 declaration, par. 3).

In Shimatani, the glass-ceramic plate reportedly has only beta-quartz crystals and has a black appearance. (Col. 2, lines 39-41). Given that the preparation procedures in Sakamoto and Shimatani are similar (compare col. 6, lines 35-45 of Sakamoto with col. 6, lines 53-60 of Shimatani), it follows that Sakamoto's plate is also black and contains only beta-quartz crystals. (Rule 132 declaration, par. 4).

In contrast, as exemplified on pages 14-15 of the present application, the claimed glass-ceramic plate includes the beta-spodumene phase -- this allows for a more hazy

appearance. (Rule 132 declaration, par. 5). With no colorant, the appearance of the glass-ceramic panel is substantially white. (Rule 132 declaration, par. 5).

Thus, despite having similar compositions, the claimed glass-ceramic products differ from Sakamoto's and Shimatani's black products, and this difference is primarily reflected in the  $L^*$  value.

To clarify/correct earlier statements made during prosecution,  $L^*$  is a measure of lightness and darkness, with  $L^* = 100$  corresponding to opaque/white, and  $L^* = 0$  corresponding to transparency. Thus, the claim requirement that the glass-ceramic have an  $L^*$  value of between 82 and 87 is a requirement that the glass be whitish or hazy.

The Office Action recognized that neither Sakamoto nor Shimatani expressly teaches or suggests such a composition. As explained above, neither reference inherently teaches or suggests such a composition either.

The numerous secondary references cannot compensate for this fatal deficiency. None of the cited references teaches or suggests a glass-ceramic composition having the required  $L^*$ ,  $a^*$ ,  $b^*$  values.

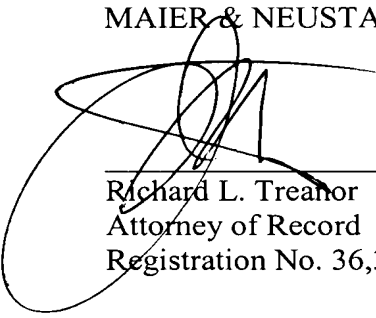
In view of the above, Applicants respectfully request reconsideration and withdrawal of all of the pending rejections under 35 U.S.C. §§ 102 and/or 103.

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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